

EXPLANATION: This Ordinance authorizes the execution of a Lease Agreement with Metro PCS New York, LLC, for a portion of Lot 1, Block 5 as shown on the Borough of Rocky Hill Tax Map.

**BOROUGH OF ROCKY HILL
ORDINANCE No. 3, 2009**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A
LEASE AGREEMENT WITH METRO PCS NEW YORK,
LLC, FOR A PORTION OF LOT 1, BLOCK 5, AS
SHOWN ON THE BOROUGH OF ROCKY HILL TAX MAP.**

WHEREAS, the Borough of Rocky Hill is the owner of Lot 1 in Block 5 as shown on the Borough of Rocky Hill Tax Map ("Premises") on which a water storage tank ("Water Storage Tank") is located; and

WHEREAS, on the Water Storage Tank there are communications antennas, along with equipment cabinets or shelters on the ground; and

WHEREAS, there is sufficient space on the Water Storage Tank and the ground for additional communications carriers; and

WHEREAS, in order to maximize the Borough's use of the Water Storage Tank and ground, the Borough sought bids to lease a portion of the Premises to the highest bidder; and

WHEREAS, on February 2, 2009, the Mayor and Council authorized the Borough of Rocky Hill Engineer to prepare the necessary specifications and publish public notices for the "2009 Lease Agreement, Water Storage Tank Communications Antenna System", with a minimum bid of \$2,500.00 per month, with three

(3%) percent annual increases for an initial term of five (5) years, with four (4) five (5) year options; and

WHEREAS, a Notice to Bidders was placed in the Courier News on February 11, 2009 and February 18, 2009, with bids to be received on February 27, 2009; and

WHEREAS, on February 27, 2009, one (1) bid from Metro PCS New York, LLC, was received in the sum of \$2,600.00 per month; and

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., the Borough may enter into the "2009 Lease Agreement, Water Storage Tank Communications Antenna System" with the highest bidder commencing within ninety (90) days following the execution of the Lease Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Rocky Hill, County of Somerset and State of New Jersey, as follows:

1. That the Borough of Rocky Hill leases a portion of the Premises for Metro PCS New York, LLC, on the terms and conditions stated in the Specifications for the "2009 Lease Agreement, Water Storage Tank Communications Antenna System"; and
2. That the Mayor and Clerk are hereby authorized to sign the Lease Agreement.
3. That Metro PCS New York, LLC, must comply with the Code of the Borough of Rocky Hill, including the Development Regulations Ordinance and must apply to the Borough of Rocky Hill Planning Board for the necessary approvals.

4. That this Ordinance become effective in accordance with law.

ATTEST:

BOROUGH OF ROCKY HILL

Donna M. Griffiths, RMC
Borough Clerk

By: _____
Edward Zimmerman, Mayor

Introduced: 3/16/09
Scheduled Public Hearing: April 6, 2009
Adopted: April 6, 2009